

ESTTA Tracking number: **ESTTA495357**

Filing date: **09/19/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Rolls-Royce plc
Granted to Date of previous extension	10/10/2012
Address	65 Buckingham Gate London, SW1E 6AT UNITED KINGDOM

Domestic Representative	Thomas W. Brooke Holland & Knight LLP 800 17th Street, NW Suite 1100 Washington, DC 20006 UNITED STATES thomas.brooke@hklaw.com, ptcketing@hklaw.com Phone:202 663-7271
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Applicant Information

Application No	85509893	Publication date	06/12/2012
Opposition Filing Date	09/19/2012	Opposition Period Ends	10/10/2012
Applicants	Northrop, Damon PO Box 31635 Los Angeles, CA 90031 UNITED STATES Davies, Jessica PO Box 31635 Los Angeles, CA 90031 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Personal Lifestyle Consulting Services


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	325316	Application Date	12/06/1934
Registration Date	06/18/1935	Foreign Priority Date	NONE


Word Mark	ROLLS-ROYCE
Design Mark	
Description of Mark	NONE
Goods/Services	Class U023 (International Class 007). First use: First Use: 1906/00/00 First Use In Commerce: 1906/00/00 INTERNAL COMBUSTION ENGINES AND PARTS THEREOF

U.S. Registration No.	343053	Application Date	08/04/1936
Registration Date	02/09/1937	Foreign Priority Date	NONE
Word Mark	RR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U023 (International Class 007, 012). First use: First Use: 1907/00/00 First Use In Commerce: 1907/00/00 INTERNAL COMBUSTION ENGINES AND PARTS THEREOF AND VARIABLE GEARINGS BEING PARTS OF MACHINES FOR MOTOR VEHICLES AND AIRCRAFT		


U.S. Registration No.	912848	Application Date	08/14/1970
Registration Date	06/08/1971	Foreign Priority Date	NONE
Word Mark	ROLLS-ROYCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1970/01/27 First Use In Commerce: 1970/01/27 MODEL TOY CARS		

U.S. Registration No.	1068022	Application Date	07/15/1976
Registration Date	06/21/1977	Foreign Priority Date	NONE
Word Mark	ROLLS RR ROYCE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 007. First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00 INTERNAL COMBUSTION ENGINES FOR USE IN AIRCRAFT, IN MARINE VEHICLES AND IN STATIONARY INSTALLATIONS, AND PARTS THEREOF AND POWER TRANSMISSIONS THEREFOR Class 012. First use: First Use: 1936/00/00 First Use In Commerce: 1936/00/00 INTERNAL COMBUSTION ENGINES FOR USE IN LAND VEHICLES, AND PARTS THEREOF AND POWER TRANSMISSIONS THEREFOR


U.S. Registration No.	1068023	Application Date	07/15/1976
Registration Date	06/21/1977	Foreign Priority Date	NONE
Word Mark	RR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00 INTERNAL COMBUSTION ENGINES FOR USE IN AIRCRAFT, IN MARINE VEHICLES AND IN STATIONARY INSTALLATIONS, AND PARTS THEREOF AND POWER TRANSMISSIONS THEREFOR Class 012. First use: First Use: 1936/00/00 First Use In Commerce: 1936/00/00 INTERNAL COMBUSTION ENGINES FOR USE IN LAND VEHICLES, AND PARTS THEREOF AND POWER TRANSMISSIONS THEREFOR		

U.S. Registration No.	1160411	Application Date	03/01/1979
Registration Date	07/07/1981	Foreign Priority Date	NONE
Word Mark	ROLLS RR ROYCE		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1955/00/00 First Use In Commerce: 1955/00/00 Consulting Services by Service Representatives Relating to the Specialized Maintenance and Repair Work on Internal Combustion Engines and Gas Turbine Engines and Parts Thereof


U.S. Registration No.	1257391	Application Date	11/20/1981
Registration Date	11/15/1983	Foreign Priority Date	NONE
Word Mark	ROLLS ROYCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 ((KEY BLANKS)) METAL BADGES FOR VEHICLES AND MONEY CLIPS</p> <p>Class 014. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 JEWELRY ((AND SILVER PLATED VERMOUTH DISPENSERS AND CIGARETTE BOXES))</p> <p>Class 016. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 NOTEBOOKS, ((DESK BLOTTERS, DESK PADS,)) DIARIES, TRANSFERS, DECALS, LETTER OPENERS, PAPERWEIGHTS, PLAYING CARDS AND PENS</p> <p>Class 018. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Key Fobs, Clutch Purses, Briefcases and Wallets</p> <p>Class 021. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 ((GLASSES, GOBLETS, PITCHERS, TANKARDS, DECANTERS AND)) COASTERS</p> <p>Class 025. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Ties</p> <p>Class 026. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Embroidered Patches for Clothing</p> <p>Class 034. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Cigarette Lighters and Ashtrays</p> <p>Class 037. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Repair and Maintenance of Automobiles and Aircraft Engines</p>		

U.S. Registration No.	1275757	Application Date	11/20/1981
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Registration Date	05/01/1984	Foreign Priority Date	NONE
Word Mark	ROLLS ROYCE RR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 [Key Blanks,] Metal Badges and Money Clips</p> <p>Class 014. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 Jewelry [and Silver Plated Vermouth Dispensers and Cigarette Boxes]</p> <p>Class 016. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Notebooks, ((Desk Blotters, Desk Pads,)) Diaries, Transfers, Decals, Letter Openers, Paperweights, [Playing Cards] and Pens</p> <p>Class 018. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 Key Fobs, Clutch Purses, Briefcases and Wallets</p> <p>Class 021. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 ((Glasses, Goblets, Pitchers, Tankards, Decanters and)) Coasters</p> <p>Class 025. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Ties</p> <p>Class 026. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 [Embroidered Patches for Clothing]</p> <p>Class 034. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 [Cigarette Lighters and Ashtrays]</p> <p>Class 037. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 Repair and Maintenance of Automobiles and Aircraft Engines</p>		

U.S. Registration No.	1974772	Application Date	01/31/1995
Registration Date	05/21/1996	Foreign Priority Date	NONE
Word Mark	RR		


Design Mark	
Description of Mark	The mark consists of the letters "RR".
Goods/Services	<p>Class 006. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 metal badges and money clips</p> <p>Class 008. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 pocket knives</p> <p>Class 014. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 jewelry</p> <p>Class 016. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 notebooks, diaries, [transfers,] decals, letter openers, paperweights, [playing cards,] and pens</p> <p>Class 018. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 golf umbrellas, tote bags, key fobs, clutch purses, briefcases, and wallets</p> <p>Class 021. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 coasters</p> <p>Class 025. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 ties, baseball hats, golf shirts, sweatshirts[, and sweaters]</p> <p>Class 026. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 [embroidered patches for clothing]</p> <p>Class 028. First use: First Use: 1989/00/00 First Use In Commerce: 1989/00/00 golf balls and tees</p> <p>Class 036. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 financing services</p> <p>Class 037. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 repair and maintenance of gas turbine engines; and designing, installing, maintaining, and repairing process control and instrumentation systems in the field of power generation</p> <p>Class 039. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 leasing of gas turbine engines</p> <p>Class 041. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 training services in the field of operations, maintenance, and repair of gas turbine engines</p> <p>Class 042. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 engineering and technical and business consultation services in the fields of gas turbine engines and gas turbine engine applications, including aerospace, ground and marine propulsion, electric power generation, and driving pumps and compressors; design, engineering, management, and consulting services relating to the design, development, installation, operation, and maintenance of turn-key electric power generating stations; and consulting services relating to</p>

	the maintenance and repair of gas turbine engines		
U.S. Registration No.	1946820	Application Date	01/31/1995
Registration Date	01/09/1996	Foreign Priority Date	NONE
Word Mark	RR ROLLS ROYCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 008. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 pocket knives</p> <p>Class 018. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 golf umbrellas, and tote bags</p> <p>Class 025. First use: First Use: 1975/00/00 First Use In Commerce: 1975/00/00 baseball hats, golf shirts, sweatshirts, and sweaters</p> <p>Class 028. First use: First Use: 1989/00/00 First Use In Commerce: 1989/00/00 golf balls and tees</p> <p>Class 036. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 financing services</p> <p>Class 037. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 repair and maintenance of gas turbine engines; and designing, installing, maintaining and repairing process control and instrumentation systems in the field of power generation</p> <p>Class 039. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 leasing of gas turbine engines</p> <p>Class 041. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 training services in the field of operations, maintenance, and repair of gas turbine engines</p> <p>Class 042. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 engineering and technical and business consultation services in the fields of gas turbine engines and gas turbine engine applications, including aerospace, ground and marine propulsion, electric power generation, and driving pumps and compressors; and design, engineering, management, and consulting services relating to the design, development, installation, operation, and maintenance of turn-key electric power generating stations</p>		
U.S. Registration No.	3995473	Application Date	06/15/2010
Registration Date	07/19/2011	Foreign Priority Date	NONE

Word Mark	ROLLS-ROYCE
Design Mark	ROLLS-ROYCE
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 1997/09/25 First Use In Commerce: 1997/09/25 Club services, namely, promoting the interests of motor car enthusiasts; advertising services</p> <p>Class 037. First use: First Use: 1997/09/25 First Use In Commerce: 1997/09/25 Technical advisory services in the field of maintenance and repair of motor cars</p> <p>Class 041. First use: First Use: 1997/09/25 First Use In Commerce: 1997/09/25 Educational services, namely, conducting discussion forums and providing courses offering technical information in the field of maintenance and repair of motor cars; museum services; library services; services of a motor car club, namely, organizing and conducting meetings and events of a social nature</p> <p>Class 043. First use: First Use: 1997/09/25 First Use In Commerce: 1997/09/25 Reservation of tourist accommodation, namely, arranging temporary housing accommodation</p>

U.S. Registration No.	3862326	Application Date	07/16/2009
Registration Date	10/19/2010	Foreign Priority Date	NONE
Word Mark	RR		
Design Mark			
Description of Mark	The mark consists of the interlocking letters "RR".		
Goods/Services	Class 028. First use: First Use: 1978/01/01 First Use In Commerce: 1978/01/01 MODEL TOY CARS		

U.S. Registration No.	3812394	Application Date	07/16/2009
Registration Date	07/06/2010	Foreign Priority Date	NONE
Word Mark	RR ROLLS ROYCE		

Design Mark	
Description of Mark	The mark consists of a rectangle divided twice into three sections with the word "ROLLS" in the top rectangle, the interlocking letters "RR" in the middle rectangle and the word "ROYCE" in the bottom rectangle.
Goods/Services	Class 028. First use: First Use: 1978/01/01 First Use In Commerce: 1978/01/01 MODEL TOY CARS

Attachments	71381817#TMSN.gif (1 page)(bytes) 73093465#TMSN.gif (1 page)(bytes) 73093466#TMSN.gif (1 page)(bytes) 73205751#TMSN.gif (1 page)(bytes) 73338234#TMSN.gif (1 page)(bytes) 74627999#TMSN.gif (1 page)(bytes) 74628000#TMSN.gif (1 page)(bytes) 76703386#TMSN.gif (1 page)(bytes) 76698443#TMSN.gif (1 page)(bytes) 76698439#TMSN.gif (1 page)(bytes) faux_09_19_2012_13_49_25_146.pdf (11 pages)(362503 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Thomas W. Brooke/
Name	Thomas W. Brooke
Date	09/19/2012

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 85/509,893 for the mark
“FAUX-FR-RICHE”

Published in the *Official Gazette* on June 12, 2012

ROLLS-ROYCE plc,

Opposition No. _____

Opposer,

v.

DAMON NORTHROP and JESSICA
DAVIES,

Applicants.

NOTICE OF OPPOSITION

Opposer, Rolls-Royce plc, a corporation organized and existing under the laws of England and having its registered office at 65 Buckingham Gate, London SW1E 6AT, England, believes that it would be damaged by the registration of the mark shown in U.S. Trademark Application Serial No. 85/509,893 and hereby opposes same:

As grounds of opposition, it is alleged that:

1. Since at least 1907 and continuously to date, Opposer Rolls-Royce plc and its predecessor in interest have adopted and used in commerce the world-famous name and trademark “ROLLS-ROYCE”, and the Rolls-Royce insignia of the interlocking letters “RR” and the “ROLLS-RR-ROYCE” badge (hereinafter the “Rolls-Royce plc Marks”) in connection with its business operations.

2. Opposer Rolls-Royce plc is the owner of numerous United States trademark and service mark registrations for the Rolls-Royce Marks set forth below, all of which have been renewed and/or remain in full force and effect, for a wide variety of products and services, which include among other things internal combustion engines, repair and maintenance of automobiles and aircraft engines, model toy cars, club services, namely promoting the interests of motor car enthusiasts, engineering and technical and business consultation services, training services in the field of operations, maintenance and repair of gas turbine engines, ties, baseball hats, golf shirts, and sweatshirts, notebooks and diaries, golf umbrellas, tote bags, key fobs, clutch purses, briefcases and wallets:

<u>Mark</u>	<u>Number</u>	<u>Original Date of Issue</u>
"Rolls-Royce"	325,316	June 18, 1935
Letters "RR"	343,053	February 9, 1937
"Rolls-Royce"	912,848	June 8, 1971
"Rolls-RR-Royce"	1,068,022	June 21, 1977
Letters "RR"	1,068,023	June 21, 1977
"Rolls-RR-Royce"	1,160,411	July 7, 1981
"Rolls-Royce"	1,257,391	November 15, 1983
"Rolls-RR-Royce"	1,275,757	May 1, 1984
Letters "RR"	1,974,772	May 21, 1996
"Rolls-RR-Royce"	1,946,820	January 9, 1996
"Rolls-Royce"	3,995,473	July 19, 2011
Letters "RR"	3,862,326	October 19, 2010
"Rolls-RR-Royce"	3,812,394	July 6, 2010

Pursuant to Section 15 of the Trade-Mark Act of 1946, as amended (15 U.S.C. Section 1065), the rights to use of all of the enumerated registered Rolls-Royce plc Marks are incontestable (with the exception of the last three for which sufficient time has not elapsed).

3. Opposer Rolls-Royce plc and its subsidiaries, related companies, affiliates, licensees, sublicenses and predecessors (the "Rolls-Royce Companies") make use of the Rolls-Royce Marks throughout the world through appropriate licenses and permissions.

4. The Rolls-Royce Companies have spent well over three-quarters of a century producing goods and rendering services and authorizing the production of goods and the rendering of services, which are recognized in the United States and throughout the world to be of the highest quality and excellence, and have expended large sums of money for worldwide advertising of its products and services.

5. By reason of these efforts, and the excellent quality of Rolls-Royce products and services, the Rolls-Royce Marks have become unique, are identified by the public with the Rolls-Royce Companies and their products and services, and by virtue of their fame, are generally granted broad protection in respect of non-competing services and products. *See, for example, Wall v. Rolls-Royce of America, Inc.*, 4 F.2nd 333 (3d Cir. 1925); 2 Gilson, *Trademark Protection and Practice*, § 5.05[3] at p. 5-61 to 5-62. Accordingly, the Rolls-Royce Companies enjoy an exceedingly valuable reputation and goodwill in the United States and throughout the world, not only among purchasers of their products and users of their services but also among other members of the public.

6. The public has long recognized the Rolls-Royce Marks as identifying and distinguishing products and services provided and rendered by the Rolls-Royce Companies.

7. Each of the Rolls-Royce Marks is a "famous mark" within the meaning of the Trademark Dilution Revision Act of 2006, 15 U.S.C. §1125(c).

8. Notwithstanding Opposer Rolls-Royce plc's long prior rights in and to the name and trademark "ROLLS-ROYCE", Applicants Damon Northrop and Jessica Davies filed an intent to use application on January 5, 2012 to register the name and mark "FAUX-FR-RICHE" for personal lifestyle consulting services in Class 45. Said application was given Serial No. 85/509,893 and published for opposition in the *Official Gazette* on June 12, 2012. Annexed hereto as Exhibit A is the Applicants Damon Northrop and Jessica Davies webpage found at www.fauxriche.com prominently displaying the "FAUX-FR-RICHE" mark in association with items of luxury and high quality for which Opposer Rolls Royce plc's name and mark have long been associated.

9. Applicants Damon Northrop and Jessica Davies "FAUX-FR-RICHE" mark is confusingly similar to Opposer Rolls-Royce plc's name and trademark "ROLLS-ROYCE" and trademarks "RR" and "ROLLS-RR-ROYCE", and registration and use by Applicants Damon Northrop and Jessica Davies of the mark "FAUX-FR-RICHE" in connection with Applicants' services, interferes with Opposer Rolls-Royce plc rights in and use of its name and trademark "ROLLS-ROYCE" and trademarks "RR" and "ROLLS-RR-ROYCE", and is likely to cause confusion,

deception and mistake, which will seriously damage Opposer Rolls-Royce plc and the other Rolls-Royce Companies.

10. The mark "FAUX-FR-RICHE" was chosen for the purpose of deceiving, misleading and confusing the public, to obtain the benefit of the Rolls-Royce Companies' trade, goodwill and advertising, and to suggest or induce the public falsely to believe that the business conducted by Applicants Damon Northrop and Jessica Davies under the mark "FAUX-FR-RICHE" is sponsored by or connected with the business of the Rolls-Royce Companies.

11. Applicants Damon Northrop and Jessica Davies mark "FAUX-FR-RICHE" is deceptive and/or may disparage or falsely suggest a connection with Opposer Rolls-Royce plc and/or any of the other Rolls-Royce Companies, or bring them into contempt or disrepute, and registration and use by Applicants Damon Northrop and Jessica Davies of the mark "FAUX-FR-RICHE" interferes with Opposer Rolls-Royce plc's rights in and use of its name and trademark "ROLLS-ROYCE" and trademarks "RR" and "ROLLS-RR-ROYCE", which will seriously damage Opposer Rolls-Royce plc and the other Rolls-Royce Companies.

12. Applicants Damon Northrop and Jessica Davies' mark "FAUX-FR-RICHE" constitutes a false designation of origin or false or misleading description or representation of fact in respect of Opposer Rolls-Royce plc name and trademark "ROLLS-ROYCE" and trademarks "RR" and "ROLLS-RR-ROYCE", and registration and use by Applicants Damon Northrop and Jessica Davies of the mark "FAUX-FR-RICHE" interferes with Opposer Rolls-Royce plc's rights in and use of its

name and trademark "ROLLS-ROYCE" and trademarks "RR" and "ROLLS-RR-ROYCE", which will seriously damage Opposer Rolls-Royce plc and the other Rolls-Royce Companies.

13. Applicants' Damon Northrop and Jessica Davies' mark "FAUX-FR-RICHE" would be likely to cause dilution of Opposer Rolls-Royce plc's name and mark "ROLLS-ROYCE" and trademarks "RR" and "ROLLS-RR-ROYCE" and registration by Applicants Damon Northrop and Jessica Davies of the mark "FAUX-FR-RICHE" interferes with Opposer Rolls-Royce plc rights in and use of its name and trademark "ROLLS-ROYCE" and trademarks "RR" and "ROLLS-RR-ROYCE", which will seriously damage Opposer Rolls-Royce plc and the other Rolls-Royce Companies.

WHEREFORE, Opposer Rolls-Royce plc prays that this opposition be sustained and that registration of the mark in Application Serial No. 85/509,893 filed on January 5, 2012 be denied.

Dated: September , 2012

Respectfully submitted,

ROLLS-ROYCE plc

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by U.S.

Mail to:

Damon Northrop

P.O. Box 31635

Los Angeles, CA 90031

Email: damon.northrop@gmx.com

And

Jessica Davies

P.O. Box 31635

Los Angeles, CA 90031

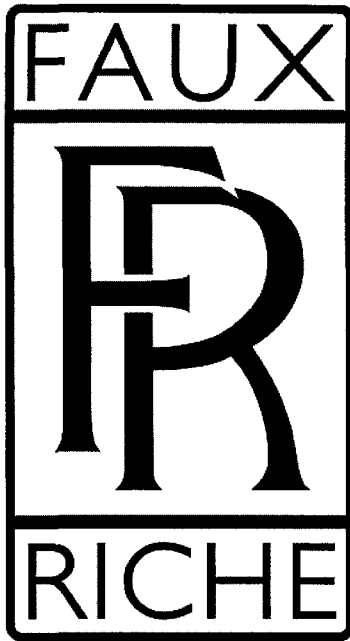
fauxriche@gmx.com; jessdavies@msn.com

By: 

Thomas W. Brooke

Date: Sept. 19, 2012

EXHIBIT A



Website Login

Identify yourself with this website. All requests to log into this website are logged.
Repeated failed login attempts will result in lock out.

You are attempting to access a resource on this site which is restricted. Please
login below. After re-logging in, you will be automatically directed to the page you
were attempting to access.

Login:

Password: (I forgot my password)

☐ Remember Password

Login

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